


I, II and IV") and the method claims ("invention III").

The first election is traversed because it is not apparent that there would be an undue burden in examining the respective "inventions". Rather, it would appear from the nature of the claim structure that any additional examination burden would be minimal due to the substantial overlap in claim language among the four respective inventions. For example, the adhesive tape of claims 21-24 include within them the limitations of the elastomeric laminate invention and as such would appear to require a substantially coextensive search for that particular invention. A similar analysis applies with respect to the article, e.g., diaper, claims 46-56. This objection is contingent, of course, upon the actual construction of the restriction requirement, i.e., whether it requires election of one of the products or all.

The restriction requirement or requirements between the products and the process of making claims is also traversed. Again, it is not clear that any undue burden would be entailed in searching the process of making claims in conjunction with the product or products claims. The product and method of making claims are closely related in claim structure and as such recite closely related subject matter. Further, it is unclear that the product, as claimed, can be made by another and materially different process. The restriction requirement states that the product can be made by processes other than extrusion, however, it is applicants' contention that the process claims are not limited to an extrusion process and would cover the alternative methods of forming the product suggested in the restriction requirement.

Withdrawal of the restriction requirement,
and immediate and further action in the form of a
notice of allowance is respectfully requested.

Respectfully submitted,


William J. Bond
Registration No. 32,400

WJB/jvd

Dated: 7/17/91

MINNESOTA MINING AND MANUFACTURING COMPANY
3M/Office of Patent Counsel
P. O. Box 33427
St. Paul, Minnesota 55133-3427
(612) 736-4790

WJBAM4/44938-5A.15